

REMARKS

Claims 1 to 15 are pending in the application, of which Claims 1 and 13 to 15 are independent. Claims 1 and 11 to 15 are being amended. Reconsideration and further examination are respectfully requested.

The Office Action rejects Claims 1, 13 and 15 under 35 U.S.C. § 112, second paragraph. Without conceding the correctness of the rejection, the Applicant amends Claims 1, 11 and 13 to 14. The amendments are believed to obviate the rejection. Reconsideration and withdrawal of the § 112, second paragraph rejection of these claims are therefore respectfully requested.

Claims 1, 2, 6 to 8 and 10 to 15 are rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,662,194 (Joao), Claims 3 to 5 are rejected under 35 U.S.C. § 103(a) over Joao and U.S. Patent No. 6,968,513 (Rinebold), and Claim 9 is rejected under 35 U.S.C. § 103(a) over Joao and U.S. Patent No. 6,868,389 (Wilkins)¹. Reconsideration and withdrawal of the rejections are respectfully requested for at least the following reasons.

According to the method recited in Claim 1, inquiry data related to a user's inquiry with a listing service is received. A user's lead is created using the received inquiry data, the user's lead is to be pursued by the user that makes the inquiry with the listing service. The user's lead is stored as a lead record in a database. An action record associated with the lead record is created each time an action to be taken in furtherance of the user's lead is identified, and the action record is stored in the database. The lead and action records comprise information to provide the user with a status of the user's lead. A user interface is communicated to the user that comprises information from the lead and action records and information related to the user's lead received from one or more ancillary services.

Claim 1 is amended to recite that the user's lead is a lead to be pursued by the user that makes the inquiry of the listing service. The user's lead is created using inquiry data related to the user's inquiry with the listing service. Claim 1 further recites storing the user's lead as a lead record, creating an action record each time an action to be taken in furtherance of the user's lead is identified, and further that the lead and action records comprise information to provide the user

¹ In the § 103(a) rejection of Claim 9, the Office Action refers to U.S. Patent No. 6,565,393 as Wilkins. However, the referenced patent issued to Demsky, et al. It is assumed that the Examiner intended to refer to U.S. Patent No. 6,868,389 issued to Wilkins. If this assumption is not correct, the Examiner is respectfully requested to provide clarification in a new non-final Office Action with a period for response restarted from the mail date of the new Action, and to make the new art of record in the present Application.

with a status of the user's lead. Since Joao fails to teach at least these elements of the claim, Joao cannot form the basis of a proper § 102 rejection, and also cannot form the basis of proper § 103 rejection.

In contrast to a user's inquiry creating a user's lead to be pursued by the user who makes the inquiry, Joao's focus is on forwarding a lead in the form of a first individual's interest in a second user's "listing" to the second user so that the second user can determine whether or not to pursue the first user's interest. For example, in Joao, an employer lists open positions, which can be searched by an individual who is seeking a job. When the job seeker indicates interest in a potential employer's position, Joao notifies the potential employer of the job seeker's interest, so that the potential employer can decide whether or not to pursue the job seeker's interest in the employer's position. To further illustrate, in Joao, when an employer selects an individual from a list of possible candidates, the employer's interest is forwarded to the individual so that the individual can accept or decline the opportunity. Thus, Joao's "lead" is pursued by the individual who provides a listing which another individual "inquires" about, not by the individual who makes the inquiry. Joao's approach is much different from the present claims, which creates a lead to be pursued by the user who makes an inquiry with a listing service. In this regard, a user of Joao's system could make use of the present claims, to create a lead for the user who makes an inquiry, which lead is to be pursued by the user who makes the inquiry.

Furthermore and while the above reasons should be sufficient to withdraw the § 102(e) rejection, the rejection can and should be withdrawn for the reason that Joao's "action record" identified in the Office Action is not created when an action to be taken in furtherance of the user's lead is identified. In stark contrast to creating an action record when an action to be taken in furtherance of the user's lead is identified, as described in the portions of Joao cited in the Office Action, Joao creates a record identifying actions already taken and only in the case that the user does not wish to take any further action.

Nothing in Joao describes a user's lead to be pursued by the user who makes an inquiry with a listing service, the user's lead being created using inquiry data related to the user's inquiry with a listing service. Furthermore, nothing in Joao teaches or suggests a lead record, which stores the user's lead, and/or an action record, which is created any time an action to be taken in furtherance of the user's lead is identified, both of which comprise information to provide the user with a status of the user's lead. Joao also fails to teach or suggest communicating a user

interface that comprises information from the user's lead and action records and information related to the user's lead received from one or more ancillary services. Since Joao fails to teach multiple elements of the claims of the present application, Joao cannot form the basis of a proper § 102 rejection. Even while Joao is not being applied in this manner, in view of the admissions made in the Office Action and for at least the reasons set forth herein, Joao likewise cannot form the basis of a proper § 103(a) rejection. Furthermore, and as is discussed below, since the combination of Joao and Rinebold applied against Claims 3 to 5 and the combination of Joao and Wilkins applied against Claim 9 each fail to teach, suggest or disclose multiple claim elements, neither combination can form the basis of a proper § 103(a) rejection.

Nothing in Rinebold, and in particular the cited portions of Rinebold, teaches, suggests or discloses tracking a user's interaction with a listing service, let alone creating and storing lead and action records for use in providing the user with a status of the user's inquiry, and/or communicating a user interface accessible by the user that comprises information from the lead and action records, and information related to the user's inquiry received from one or more ancillary services. As discussed above, Joao also fails to teach, suggest or disclose at least these claim elements. Since the combination of Joao and Rinebold fails to teach, suggest or disclose at least the elements of tracking a user's interaction with a listing service, creating and storing lead and action records for use in providing the user with a status of the user's inquiry, and communicating a user interface accessible by the user that comprises information from the lead and action records, and information related to the user's inquiry received from one or more ancillary services, the combination of Joao and Rinebold cannot form the basis of a proper § 103(a) rejection.

Wilkins is limited in its focus to the identification of individuals that are financially capable of making, or ready to make, a purchase for direct sales and marketing organization as "intender leads." Furthermore, Wilkins focuses on leads for direct sales and marketing organizations. Wilkins fails to teach, suggest or disclose tracking a user's interaction with a listing service, let alone creating and storing lead and action records for use in providing the user with a status of the user's inquiry, and/or communicating a user interface accessible by the user that comprises information from the lead and action records, and information related to the user's inquiry received from one or more ancillary services. Joao also fails to teach, suggest or disclose at least these claim elements. Since the combination of Joao and Wilkins fails to teach, suggest

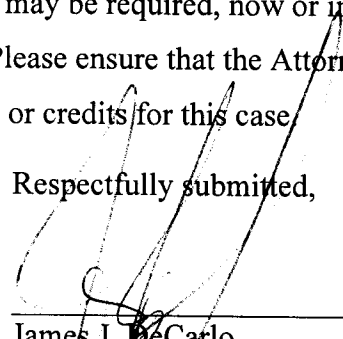
or disclose at least the elements of tracking a user's interaction with a listing service, creating and storing lead and action records for use in providing the user with a status of the user's inquiry, and communicating a user interface accessible by the user that comprises information from the lead and action records, and information related to the user's inquiry received from one or more ancillary services, the combination of Joao and Wilkins cannot form the basis of a proper § 103(a) rejection.

For at least the foregoing reasons, Claim 1 and the claims that depend from Claim 1 are believed to be in condition for allowance. In addition, for at least the same reasons, Claims 13 to 15 are believed to be in condition for allowance. In view of the foregoing, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

The Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Should matters remain which the Examiner believes could be resolved in an interview, the Examiner is requested to telephone the Applicant's representative. The applicants' attorney may be reached by telephone at 212-801-6729. All correspondence should continue to be directed to the address given below, which is the address associated with Customer Number 32361.

The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 50-1561. Please ensure that the Attorney Docket Number is referenced when charging any payments or credits for this case.

Respectfully submitted,



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